

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**CORRECTED  
FISCAL NOTE**

**SB 701 - HB 1108**

March 21, 2013

**CORRECTED SUMMARY OF BILL:** Redefines certain offenses for which an offender is eligible for expunction pursuant to Tenn. Code Ann. § 40-32-101(g)(1)(A) by deleting the parenthetical descriptors of value for value-based offenses such as theft, vandalism and forgery.

Redefines “eligible petitioner” to include individuals that seek expunction for multiple offenses. A person is an “eligible petitioner” if:

- The person has two or more convictions;
- Each conviction sought to be expunged is not an offense prohibited under Tenn. Code Ann. § 40-32-121;
- The offenses are the only ones the person has been convicted of;
- Judgment for the offenses were entered by the same court on the same day; and
- The court having jurisdiction to expunge finds that the convictions arose from a common criminal episode.

Authorizes the eligible petitioner’s attorney to draft the petition and expunction order. Currently, the office of the district attorney general prepares the petition and proposed order.

Requires a \$350 fee for those petitioners with multiple convictions to get their records expunged.

Specifies documents that a petitioner is entitled to have destroyed if the expunction petition is granted, such as arrest warrant, indictment, information, and trial. Establishes a right to appeal from a denied expunction petition.

**ESTIMATED FISCAL IMPACT:**

On March 15, 2013, a fiscal note was issued with a typographical error in the summary. The corrected summary corrects the error. The fiscal impact is not affected by the change.

**Increase State Revenue – \$200/TBI  
\$400/District Attorneys Expunction Fund  
\$50/Public Defenders Expunction Fund  
\$400/General Fund**

**Increase Local Revenue – Not Significant**

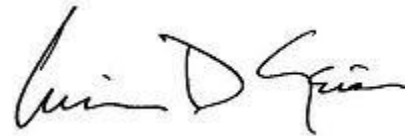
**SB 701 - HB 1108 (CORRECTED)**

Assumptions:

- Tenn. Code Ann. § 40-32-121(g)(1)(A) expressly states that a petitioner is only “eligible” to have records expunged for “one of the following Class E felonies.” The parenthetical descriptors do not restrict the list of offenses to Class E felonies, the express intent of (g)(1)(A) does; therefore, deleting the parenthetical descriptors for the value-based offenses will not significantly impact the number of individuals who are eligible to have records expunged.
- Under Tenn. Code Ann. § 40-32-101(g)(10), the \$350.00 fee one pays for having records expunged is distributed as follows:
  - \$10.00 to the court clerk collecting the fee;
  - \$50.00 to the Tennessee Bureau of Investigation (TBI);
  - The remainder (\$290.00) is distributed:
    - 5 percent (\$14.50) to the public defenders expunction fund;
    - 45 percent (\$130.50) to the district attorneys expunction fund;
    - 50 percent (\$145.00) to the state general fund.
- It is assumed that the bill would result in approximately three additional filings per year for felons that meet the criteria of multiple convictions from a common criminal episode of which none are prohibited offenses.
- The bill would result in increased revenue of \$1,050 ( $\$350 \times 3$ ) and will be distributed as follows:
  - \$30.00 ( $\$10 \times 3$ ) to the court clerks;
  - \$150.00 ( $\$50 \times 3$ ) to the TBI;
  - \$43.50 ( $\$14.50 \times 3$ ) to the public defenders expunction fund;
  - \$391.50 ( $\$130.50 \times 3$ ) to the district attorneys expunction fund;
  - \$435.00 ( $\$145 \times 3$ ) to the general fund.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

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